



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE CITY OF NEW YORK,

Plaintiff,

- against -

09 Civ. 9224 (MGC)
ECF CASE

TAVERN ON THE GREEN, L.P., and LEROY
ADVENTURES, INC.,

Defendants.
-----X

TAVERN ON THE GREEN, L.P., and LEROY
ADVENTURES, INC.,

Plaintiffs,

- against -

09 Civ. 9254 (MGC)
ECF CASE

NEW YORK CITY DEPARTMENT OF PARKS &
RECREATION,

NOTICE OF APPEAL

Defendant.
-----X

Notice is hereby given that Jil Mazer-Marino, the interim chapter 7 trustee (the "**Trustee**") of Tavern on the Green, L.P. and LeRoy Adventures, Inc. (collectively, the "**Debtors**"), hereby appeals to the United States Court of Appeals for the Second Circuit from each and every part of the United States District Court for the Southern District of New York's Final Judgment in this case, entered on April 9, 2010, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure (a) declaring that the City of New York and the New York City Department of Parks and Recreation (collectively the "**City**") has the right, under New York law, to the trade name "Tavern on the Green" for its historic restaurant in Central Park, New York; (b) determining that the trademark "Tavern on the Green" for "Restaurant Services" (Registration No. 1,154,270) (the "**Restaurant Services Mark**") was procured by fraud and ordering the assignment of the Restaurant Services Mark from Tavern on

the Green, L.P. to the City; and (c) dismissing the Debtors' claims that the Debtors have a right to the Restaurant Services Mark.

Dated: Garden City, New York
May 5, 2010

MEYER, SUOZZI, ENGLISH & KLEIN, P.C.
Counsel for Interim Chapter 7 Trustee

By:  _____

Alan E. Marder, Esq.

Andrew J. Turro, Esq.

Jil Mazer-Marino, Esq.

990 Stewart Avenue, Suite 300

P.O. Box 9194

Garden City, New York 11530-9194

Telephone: (516) 741-6565

Facsimile: (516) 741-6706